

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: April 08, 2014

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Re: Case No. 14-501, *Hardin County Board Of Ed., et al*
Originating Case No. : 1:12-cv-01125

Dear Sir or Madam,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Julie Brock
Case Manager
Direct Dial No. 513-564-7011

cc: Mr. Thomas M. Gould

Enclosure

No mandate to issue

No. 14-0501

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 08, 2014
DEBORAH S. HUNT, Clerk

In re: HARDIN COUNTY BOARD OF
EDUCATION, et al.,

Petitioners.

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O R D E R

Before: COOK and KETHLEDGE, Circuit Judges; HOOD, District Judge.*

Defendants Hardin County Board of Education, Stephen Haffly, and Stacey Stricklin petition for permission to appeal a district court's interlocutory order denying in part their motion for summary judgment on one issue: whether the defendants improperly restricted a student's right to free speech under the First Amendment by punishing her for off-campus tweets lodging a death threat against a fellow student. Plaintiff Melanie Nixon, individually and as the parent and next friend of minor child A.N., opposes the petition.

We may, in our discretion, permit an appeal to be taken from an order certified for interlocutory appeal by the district court if: (1) the order involves a controlling question of law; (2) a substantial difference of opinion exists regarding the correctness of the decision; and (3) an immediate appeal may materially advance the ultimate conclusion of the litigation. 28 U.S.C. § 1292(b); *see also In re City of Memphis*, 293 F.3d 345, 350 (6th Cir. 2002). Review under § 1292(b) should be sparingly granted and, even then, only in exceptional cases. *In re City of*

* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

No. 14-0501

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Memphis, 293 F.3d at 350. Under the circumstances of this case, these factors do not weigh in favor of immediate review.

The petition for permission to appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "W. L. Smith", is written above a horizontal line.

Clerk